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OFFICE OF PETITIONS

In re Application of :
Liangchi Hsu et al :
Application No. 10/735,266 :
Filed: December 12, 2003 :
Attorney Docket No. NC25975 9021.173 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 22, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee/publication fee in a timely manner in reply to the Notice of Allowance mailed April 21, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 22, 2005.

The statement of unintentional delay presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 C.F.R. §1.137 (b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

Pursuant to petitioner's authorization, Deposit Account No. 50-2032 was charged a total of \$3,200.00 -- \$1,500.00 for the petition to revive an unintentionally abandoned application, \$1,400.00 for the issue fee, and \$400 for the publication fee.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Publishing Division.

Wan Laymon
Wan Laymon

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy